

Reflections on a Life in Public Service

James F. Almand, Member
of the Virginia House of
Delegates, 1978–2003 (Fig. 1)

By James F. Almand with Susan Prokop

As a native of Arlington County, I have always been proud of my association with this community. When I first ran for the House of Delegates in 1977, and in almost every campaign thereafter, I enjoyed opening my remarks at the annual Civic Federation debate at what is now Virginia Hospital Center with the statement that I was “born right here in Arlington Hospital.” My interest in elective office goes back farther than that to a rally for Adlai Stevenson to which my father brought me during the 1956 campaign. My 5th grade teacher at Walter Reed Elementary, Betty Barry, fostered this interest further in helping me run for student council president and consoled me when I lost by three votes. While I was recuperating from an illness in 1962, she sent me a get-well card all the way from England admonishing me to recover quickly so that she could carry out her plans to support me for President in 1988. Three summers during college working as a Deputy Sheriff and subsequent positions

Fig. 1: Delegate Almand speaking on the floor of the House of Delegates, 1987.



Courtesy of Mark Charette Photography.

as assistant Commonwealth's Attorney under Claude Hilton and his successor, Bill Burroughs, drew me into Arlington's "courthouse crowd." Through those experiences, I met many of the county's emerging political leaders of the 1970s who would influence my entry into politics and help shape the issues I would pursue during my time in office.

In 1977, an opening occurred for the Virginia House of Delegates when Delegate Jack Melnick stepped down to run for Virginia Attorney General. I had a strong desire to make Virginia a better place to live through legislation and entered the primary that spring for the Democratic Party nomination. Among the constituencies I appealed to in the primary and general election, beyond the moderate-to-liberal electorate, were longtime friends, family, and associates as well as Arlington tenants. I was a renter at that time—there weren't that many tenant legislators—and I thought this community deserved representation.

In that first campaign, I stressed my experience as Assistant Commonwealth's Attorney and focused on issues of crime prevention, consumer protection, passing the Equal Rights Amendment, and working with all parts of the state to solve problems plaguing Virginians. At that time, the race for House of Delegates took place in a multimember district in which Mary Marshall and Warren Stambaugh were seeking reelection. Marianne Karydes was also contesting for the third seat in the multimember District 22, and I narrowly outpolled her by 289 votes. In November, thanks to the growing strength of the Democratic precinct organization in the county and an extensive cadre of devoted, hardworking volunteers, my margin of victory over the highest polling GOP candidate grew to 2,905 votes.¹

Arriving in Richmond in January 1978, I was assigned to the Courts of Justice Committee, an unusual appointment for a first term. The Chairman of that committee was Delegate George Allen from Richmond, Virginia (not the future Republican Governor), and my family had ties to his family going back many decades. So, those connections likely helped. The Courts Committee has jurisdiction over not only criminal and civil statutes but also selection of state-level judges, from Juvenile Court jurists to the state Supreme Court. Virginia's methods for choosing judges can seem a bit byzantine to most people, perhaps best illustrated by the effort to seat Arlington Circuit Court Judge Charles Russell on the Virginia Supreme Court.

As a summer deputy sheriff, defense attorney, and prosecutor, I had observed the operations of the Arlington court system, and I wanted to ensure appointment of knowledgeable, competent jurists with a respect for fair application of the law. Thus, in 1982, I took the lead in the House of Delegates in seeking to place Judge Russell on the Virginia Supreme Court. State Senator Ed Holland, from Arlington, was the lead for Russell in that body. Judge Russell had come highly recommended by the Virginia State Bar, State Bar Association, and the State Trial Lawyers' Association, and there was an assumption that it was time for Northern Virginia to be represented on what was viewed as a conservative leaning high court.

While the Courts of Justice Committees in the House and Senate formally interview judicial candidates, private interviews also take place between the individual legislators and the candidates. The majority caucuses in the House and Senate then vote by secret ballot on the candidates, which binds members to vote as a bloc for the winner of that caucus vote when the nominee comes before the full House and Senate for approval. Direct lobbying by the judicial candidates themselves is frowned upon; however, champions in both bodies take on the role of "campaign managers" on their behalf.

What had been an expected easy appointment became a rather intense horse race when a competitor from Chesapeake, former legislator and then Circuit Court Judge William Hodges, was nominated by Tidewater legislators for the seat. Matters were complicated further when a third candidate, Richmond Circuit Court Judge Marvin Cole, was put forward by Richmond area legislators. Senator Holland and I went to work preparing informational materials about Judge Russell and his decisions on the bench, buttonholing our colleagues about his merits, and getting bar association allies to make calls on his behalf to wavering legislators. Another important element to our efforts was the regional alliance in support of Judge Russell between Northern Virginia and legislators from Southwest Virginia. These two regions of the state had "historically been outside the state's conservative political mainstream" and didn't see one another as competitors for state resources.²

Supporters of Judge Cole eventually withdrew his nomination in exchange for promises to seat him in the next Supreme Court vacancy. In the end, Judge Russell won by one vote in the House and Senate

Democratic caucuses, becoming the first Arlington Circuit Court justice to be appointed to the State Supreme Court. He would serve in that role until 1991. He returned to the State Supreme Court as a Senior Justice in 2004 and in 2021 received the William L. Winston Award from the Arlington County Bar Foundation which annually honors Northern Virginians notable for public service, promotion of democratic ideals, and advancing the rule of law.³

Serving on Courts of Justice was among the most gratifying aspects of my time in Virginia's legislature, particularly because it was a period when Arlington was establishing policy for Virginia's justice system in both chambers of the Assembly. I sponsored several alcohol safety measures such as banning open alcohol containers while driving, prohibiting drinking while driving, and creating the state's Alcohol Safety Action Program. As an Assistant Commonwealth's Attorney, I had often seen the state's repeat offender penalties seldom used. Serving on Courts of Justice afforded me the opportunity in my first term to join with the Committee chairman, George Allen, and Majority Leader A. L. Philpott (two of the most conservative members in the body) on legislation addressing the troubling rate of recidivism in the Commonwealth by stiffening parole eligibility.

Another key judicial system reform with which I was involved concerned the creation of alternative dispute resolution (ADR) services in Virginia. By the mid-1980s, circuit court dockets had become over-extended with civil litigation. A Joint Committee of the Virginia State Bar and Virginia Bar Association had begun exploring the merits of an alternative dispute resolution center for Virginia. In 1991, the General Assembly enacted my bill, HJR 435, requesting the Joint Committee to examine the practicality of establishing mandatory nonbinding arbitration in Virginia's court system.⁴ The Joint Committee continued in the 1992 session with proposals for defining ADR processes such as providing for qualification of neutral arbitrators and certification of mediators, setting out confidentiality of the process, and authorizing judges to refer litigants to the ADR system. I introduced legislation to implement those recommendations which was carried over to the 1993 session and eventually signed into law.⁵

For many sessions, I worked to reform the process whereby juries handed down sentences in criminal trials. For over two hundred

years, Virginia's legal system required that, if a defendant or prosecutor asked for a jury trial, the same jury would sentence the individual if convicted. Unfortunately, juries did not receive any information about sentencing guidelines or pre-sentencing reports about the defendant. This "sentencing in the dark" frequently led to far harsher and often vastly inequitable sentences being handed down by juries.

As I had over the course of several sessions, I introduced legislation in 1994 to turn sentencing over to the responsibility of judges. Governor George Allen backed a bill on jury sentencing that would create a two-step process in which jurors would determine guilt based on evidence presented at trial without any information about the defendant's past. Then, information would be presented about the defendant's criminal record for purposes of determining the sentence.⁶ The judge could either accept the sentence or lower it. My bill and his bill each had enough votes to keep the other's from passing. I dropped my opposition to his bill because sentencing guidelines and pre-sentence reports had become available in most cases—making moot the issue since juries would no longer be sentencing in the dark. Thus, the bifurcated jury trials became the law. It would take another twenty-six years before the law was changed so that sentencing fell to a judge unless defendants specifically request to be sentenced by the jury that convicted them.⁷

Among the bills of which I am most proud was the "one gun a month" measure that I introduced in the 1993 General Assembly session. For many years, Virginia had been a major source of illegal gun trafficking up and down the East coast. Governor Douglas Wilder had made addressing this scourge a key part of his anti-crime platform, and I was pleased to carry his administration's bill in the House of Delegates.⁸ That bill, HB 1592, limited gun purchases by persons who were not licensed firearms dealers to one such purchase every 30 days unless they underwent an enhanced background check and obtained authorization from state or local police departments to buy additional firearms for lawful purposes. My partner in this effort was Senator Ed Holland who served as chief patron of a similar bill in the State Senate. My measure passed the House on a vote of 60 to 40. Substitute language offered by Senator Holland ultimately made it through that body and was signed by the Governor, but I was gratified to have played a role

in shepherding this legislation through the process. Sadly, this valuable piece of gun safety law was repealed by the Virginia legislature in 2012 and it would take a 2019 mass shooting in Virginia Beach and a new majority in the General Assembly to restore these limits on gun purchases in July of 2021.⁹

To address some of the tenant issues raised during my first campaign, several bills I introduced during my first term aimed to strengthen the obligations of landlords toward renters. One would have penalized landlords for failure to provide essential services to their residents. Another would have obligated landlords to maintain safety standards in their premises to prevent crimes. A third bill sought to limit landlords' ability to evict tenants through lockouts. While the first

two measures were PBI'd—a legislative term of art standing for Passed by Indefinitely or killed—the third measure passed both House and Senate and was signed by the Governor.¹⁰

One housing effort that taught me timing is everything, and which has echoes in current county debates, was my attempt to craft a mechanism for Arlington to fund affordable housing. As the county had begun to grow, especially with the opening of the Orange and Blue Metro lines, housing was becoming increasingly expensive for those of modest means. Many low-cost apartments were being converted to pricier condominiums, displacing tenants who were often low income, elderly, or people with disabilities. A referendum was put before the voters in November 1982 to create an Arlington Housing and Redevelopment Authority. The entire Arlington legislative delegation—Delegate Mary Marshall, Delegate Warren Stambaugh, Senators Clive DuVal and Ed Holland, and I, along with County Board Members Ellen Bozman and John Milliken—signed a letter urging a “yes” vote (Fig. 2). However, the housing authority proposal was roundly rejected by county residents, largely out of fears that it would open the door to creation of public housing, expand the use of eminent domain, and be

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VOTE

November 2, 1982

Dear Arlington Voter:

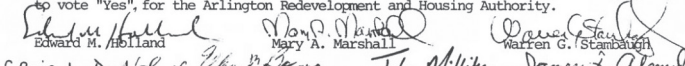
We, as your elected Democratic legislative representatives at the County and State level, want to call your attention to several important election changes and ballot questions that will be before you when you vote on November 2nd.

Redistricting has resulted in Virginia being divided into 100 single member House districts. Arlington will no longer have three at-large delegates as in the past. Inside is a map showing the new districts. Don't be surprised when you see only one House seat on the ballot.

Next year Senate districts will also change. Senator Edward M. Holland will be representing all of Arlington except the following six precincts: Rock Spring, Madison, Yorktown, Woodlawn, Marshall, and Lexington, which are in Senator Clive DuVal's new Senatorial District.

On the ballot there are two very important issues which we wish to call to your attention. The first is Constitutional Amendment #3. This, if passed, would require the General Assembly to impose limits on the types of legislation which could be introduced during the short legislative sessions which occur every other year. This is a frontal attack on our open legislative system in Virginia and we urge you to vote against it after reading the information inside.

The other crucial issue regards the creation of an Arlington Redevelopment and Housing Authority, which would serve as a financing mechanism to enable us to preserve affordable multi and single family housing in spite of federal housing fund cutbacks and apartment conversions. We are convinced that the Authority is urgently needed and could be tightly controlled by the County Board. We urge you to vote "Yes", for the Arlington Redevelopment and Housing Authority.


Edward M. Holland Mary A. Marshall Warren G. Stambaugh
Clive L. DuVal II Ellen M. Bozman John G. Milliken James F. Almand

Courtesy of Democratic Party.

Fig. 2: Newsletter urging a "Yes Vote" on the creation of an Arlington Housing Authority signed by all members of the Arlington legislative delegation and County Board members Ellen Bozman and John Milliken, November 2, 1982.

beyond the control of the County Board. Although proponents of the housing authority maintained that it could be limited in its actions, state law permitted a broader portfolio of powers should a community choose to use them.¹¹

In 1983, I pursued legislation that would enable the County Board to set up a financing mechanism that could issue tax-exempt bonds enabling multifamily and individual property owners to rehabilitate their properties and maintain their affordability. I thought this was being responsive to the expressed desires of Arlington citizens for a strictly limited and accountable funding mechanism. Unfortunately, this was perceived as an effort to create a housing authority through back door methods, and the County Board decided not to include this proposal in their legislative package for the General Assembly session. I

withdrew my plans to aid affordable housing but continued to seek new options.¹² In the 1992 session, I gained passage of a measure enabling Arlington to create a housing fund to assist low- and moderate-income families in buying or renting a home.¹³

While I learned an important lesson that coming back too quickly to a contentious issue can backfire, this initiative helped identify me as a housing advocate and enabled me to pursue a variety of other important housing measures. In the late 1980s, as a member of the General Laws Housing Subcommittee, I traveled around Virginia for hearings on the state of housing in the Commonwealth. One of the recommendations that came out of those hearings was for creation of the Virginia Housing Partnership Fund to support housing for low- and moderate-income people. Before the Partnership Fund was merged into the Virginia Housing Development Authority in 2003, it allocated over \$163 million to housing proposals financing 17,626 units around the state.¹⁴ I also pursued measures addressing tenant rights in condominium conversions, extending conversion protections to cooperative housing, and lowering the number of units covered by tenant landlord laws.

In 1986, I sponsored a law that will always be dear to me requiring children under four years of age to be placed in car safety seats. As originally written, the law had only applied to parents. Initially, we expanded coverage to people who regularly transport children and later expanded the law to apply to anyone traveling in the state. Unfortunately, that last provision came about because of a tragic accident involving a family vacationing in Virginia in which several small children were killed. Along with the change in the law, Virginia set up a program to provide car seats to people who cannot afford them.

As I had promised in my 1977 campaign, the very first bill I introduced as a legislator was to restore popular election of school boards in Virginia. Arlington had an elected school board from 1947 until 1956 when that board approved construction of a new high school (Yorktown) and announced plans to desegregate its school system. Having just adopted Massive Resistance to the integration mandate of *Brown v. Board of Education*, the Virginia General Assembly moved swiftly to revoke Arlington's ability to elect its school boards and imposed the appointment process followed by most of the other localities in the state.

It would take another fourteen years, many iterations of legislation, effective champions like Delegate David Brickley and other legislative colleagues, along with determined lobbying by Elizabeth Campbell and Bernard Joy who had served as elected school board members, before legislation reinstating elected school boards in Virginia passed in 1992 and was signed into law by Governor Douglas Wilder.¹⁵

Because the legislature meets for only a brief time each year—45 days in odd years and 60 days in even years—the pace of activities can be quite hectic. Indeed, the life of a legislator is made easier with the able assistance of legislative aides who toil for many hours, often far more than the legislators themselves, in keeping the office and elected representative organized. I was blessed over those twenty-five years with the very capable devoted energies of people who assisted me in my work such as Amy Appelbaum, Virginia Burroughs, Peggy Longerbeam, Herselle Milliken, Susan Prokop, Sue Rafferty, and Ana Salinas, along with countless interns. A daily schedule from my last session in 2003 reflects the dawn-to-dark nature of life for legislators in Richmond. This has no doubt increased in the last twenty years. Starting at 7:15 a.m., I greeted representatives of the March of Dimes. This was followed by similar gatherings with delegations from the American College of Nurse Midwives, Virginia Realtors, and Virginia Rural Water Association. The House went into session at noon. A half hour after it adjourned, in addition to my Courts of Justice Committee, I needed to be in House Finance Committee, Senate General Laws, and Senate Courts of Justice Committees which were all considering, simultaneously, legislation I was patroning. At 5:30 p.m., there was a reception with the Virginia Hospital and Healthcare Association, followed at 6 p.m. by another with the Virginia Association of Realtors. The day finished with a 7:30 p.m. “Burgesses and Bureaucrats Bash” in Old City Hall (Fig. 3).

The General Assembly underwent significant transformation during my twenty-five years there, most notably the transition during the 1990s from Democratic to Republican control. Being in the minority naturally made it more difficult to get legislation passed. However, developing expertise in an area or two was important, since knowledge of an issue was still recognized by both parties in the General Assembly, and you could help influence the outcome of legislation for the better. Until the

2001 election, there was a power-sharing arrangement between the two parties so that committees had two co-chairs, one Republican, one Democrat. On Courts of Justice, my committee co-chair was Delegate William Howell of Fredericksburg. Many of the senior GOP leadership had worked with legislators across the partisan aisle and understood the value of coalitions and bipartisanship. Delegate Howell and I had a good, mutually respectful working relationship during that era. So good, in fact, that, when an auto accident forced my absence during several weeks of the 2000 session, Delegate Howell did not move any

Fig. 3: Daily schedule of Delegate Almand, February 5, 2003.

Courtesy of Personal Archives of Delegate Almand.

<u>Wednesday, February 5, 2003</u>	
07:15 AM	LOBBY DAY - MARCH OF DIMES
07:30 AM	American College of Nurse Midwives Breakfast-4W (7:30-8:45)
08:15 AM	Realtor Day - Coffee (8:15-10:30) - 5th Flr. West
10:30 AM	Va. Rural Water Ass'n.-Lunch (BBQ)-Darden Garden (10:30-2:30)
12:00 PM	SESSION
12:30 PM	DUI TASK FORCE MEETING- (1-4:30) at VCH ^{VCH - 1000 G St. S.W. 10th Fl.} lunch at 12:30, meeting 1-4:30
12:30 PM	Courts of Justice - 1/2 after adj - HR C
12:30 PM	House Finance, sub#2- Immed. upon adj.- 5th Flr. East
02:00 PM	Senate Gen. Laws - SR B - HB1916- Military Leave, HB1917 - State Grievance Procedure.
02:00 PM	Senate Courts - SR A - Hb1915-Juris. of Juven. Courts, HB1919 - Failure to file inventory, HB1920-Commis. of Accts., HB1921-Fudic. Duties, HB1922-Writ of Innoc.
05:30 PM	VHHA Legis Issues Conf Reception (5:30-7) The Jefferson Hotel
06:00 PM	Va Assoc of Realtors - Reception (6:00-8:00) Jefferson - Rotunda
07:30 PM	Burgesses and Bureaucrats Bash (5:30-7:30) Old City Hall

legislation through the Courts committee without consulting me first—even while I was in the hospital. I was honored when Delegate Howell spoke at my investiture as a Circuit Court judge in 2003.

In an era when public officials often seem to be looking at the next higher office as soon as they are sworn in, I have been asked on occasion why I chose to stay in the House of Delegates for over twenty-five years. The scarcity of opportunities may have played some role as other highly qualified candidates stepped up to run for statewide and federal office. More importantly, though, longevity in office was viewed as a positive because it enabled you to gain seniority on committees and exercise greater influence on legislation. By remaining in the House, I was in a good position to influence issues about which I cared.

Fig. 4: Delegate Almand talking with his Arlington legislative colleagues, Delegate Mary Marshall (48th District) and Delegate Warren Stambaugh (49th District), ca. 1989.



Courtesy of Personal archives of Delegate Almand.

While my life in public service continued in my role as Circuit Court judge, I will always cherish the years I spent serving Arlington in elective office. I certainly valued the many accolades accorded me by numerous groups over the years. It's hard not to appreciate being named Legislator of the Year by organizations such as the Virginia Safe Kids Coalition, Virginians Against Handgun Violence, and the Virginia Sheriff's Association, and having an award established in one's name by the Virginia Community Criminal Justice Association in recognition of work to advance community corrections. In addition, I could not have asked for a better group of legislative colleagues with whom I worked over those two and a half decades. Much of the success I achieved in Richmond was possible because of the immense talent, drive, and commitment to good public policy brought by my fellow Arlington representatives (Fig. 4). Of course, it goes without saying that what I accomplished would not have been possible without the volunteers, supporters, legislative aides, and voters (including my very patient and understanding family) who enabled me to represent the 47th House of Delegates District for so long.

As I once said in an interview, I've always believed that government "can and should play an important role in providing economical, efficient service for those in need. There are people who, for economic or health reasons, don't have the ability to do well in society. There must be an entity to make sure they lead as productive a life as possible. Sure, you can go too far with government, but you need it there to assist people."¹⁶ In my life as a legislator, I always tried to stay true to that philosophy.

About the Authors

Delegate James F. Almand represented Arlington in the Virginia General Assembly from 1978 to 2003. He received his undergraduate and law degrees from The College of William and Mary and served as an Assistant Commonwealth's Attorney in Arlington prior to his election in 1977. On August 1, 2003, he was appointed to the Circuit Court for Arlington and Falls Church by Governor Mark Warner to fill the vacancy created by the retirement of Judge Paul Sheridan. He was subsequently elected by the Virginia Legislature to an 8-year term and retired from the bench in 2011. He and his wife, Cindy Flood Almand, live in Arlington. They have three children and four grandchildren.

Susan Prokop served as legislative aide to Delegate Almand in the 1980 and 1981 General Assembly sessions and as his campaign manager from 1991 to 2001. She subsequently worked as a legislative assistant for Rep. Marcy Kaptur (D-OH) from 1983 to 1989 and as a regulatory analyst for the American Society of Internal Medicine from 1989 to 1997. She recently retired after twenty-six years as an Advocacy Director with Paralyzed Veterans of America and lives in Arlington with her husband, James S. Turpin.

Endnotes

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